

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT LEWIS BRITNEY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV218 RWS
)	
ERIK K. SHINSEKI, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The Court has reviewed the financial affidavit submitted with the motion and finds that plaintiff is unable to pay the statutory filing fee. As a result, the motion will be granted. Furthermore, under 28 U.S.C. § 1915(e) the Court is required to review the complaint and dismiss any portion of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964. Named as defendants are Eric K. Shinseki, Secretary of Veterans Affairs; Mike Russell; and Gilbert Maupin. Plaintiff alleges that he was fired from the VA because he is African-American. Plaintiff says that Russell and Maupin, who are both Caucasian, treated him differently than they did Caucasian employees and terminated him without a legitimate purpose.

The only proper defendant in a Title VII action for alleged federal employment discrimination is the head of the federal department, agency, or unit in which the allegedly discriminatory acts occurred. 42 U.S.C. § 2000e-16(c); see Warren v. Department of Army, 867 F.2d 1156, 1158 (8th Cir. 1989). As a result, plaintiff's claims against defendants Russell and Maupin are legally frivolous, and the Court will dismiss those claims under 28 U.S.C. § 1915(e).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's claims against defendants Russell and Maupin are **DISMISSED**.

IT IS FURTHER ORDERED that, as to defendant Eric K. Shinseki, Secretary of Veterans Affairs, the Clerk shall issue process or cause process to issue on the complaint.

An Order of Partial dismissal will be filed with this Memorandum and Order.

Dated this 15th day of February, 2012.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE